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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,279	09/28/2001	David Andersen	42390P11767	4191
7590	10/26/2005		EXAMINER	
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			O'STEEN, DAVID R	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/966,279	ANDERSEN, DAVID	
	<b>Examiner</b>	<b>Art Unit</b>	
	David R. O'Steen	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 9-28-2001.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-30 is/are rejected.

7) Claim(s) 11 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 28 September 2001 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed September 28, 2001 lists the following websites: [www.news.cnet.com/news/0-1002-200-5996052.html](http://www.news.cnet.com/news/0-1002-200-5996052.html) and [www.crq.com/master\\_tmpl.cfm?view=products&products=CueTv](http://www.crq.com/master_tmpl.cfm?view=products&products=CueTv). These pages could not be found and, therefore, were not considered by the examiner.

### ***Claim Objections***

2. Claim 11 is objected to because of the following informalities: the phrase 'predetermined criteria' lacks antecedence. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-20, 22, 26-28, and 30 are rejected under 35 U.S.C. 102 (b) as being anticipated by Palmer (US 5,905,865). With respect to Claim 18, Palmer discloses a method of trigger analysis comprising: inserting a trigger into a program, wherein the trigger comprises parameters; monitoring the program to detect the trigger; and detecting the trigger (col. 8, lines 13-19); translating the trigger to into a corresponding URL (col. 4, lines 64-67); and displaying a website corresponding to the URL (col. 5, lines 9-11).

4. With respect to Claim 19, Palmer discloses a method further comprising broadcasting the program containing the inserted trigger (col. 8, lines 13-19).
5. With respect to Claim 20, Palmer discloses a method wherein monitoring the program to detect the trigger comprises recognizing the parameters of the trigger (col. 8, lines 13-19).
6. With respect to Claim 22, Palmer discloses a method of translating the trigger into a corresponding URL comprising: translating the trigger into a code; translating the code into the corresponding URL (col. 8, lines 13-19).
8. With respect to Claim 26, Palmer discloses a machine-readable medium having stored thereon data representing sequences of instructions, the sequence of instructions which, when executed by a processor, cause the processor to insert a trigger into the a program, wherein the trigger comprises parameters, monitor the program to detect the trigger, detect the trigger (col. 8, lines 13-19), translate the trigger into a corresponding URL (col. 4, 64-67), and display a website corresponding to the URL (col. 5, lines 9-11).
9. With respect to Claim 27, Palmer discloses a machine-readable medium wherein the sequences of instructions, which when executed by the processor, further causes the processor to broadcast the program containing the inserted trigger (col. 8, lines 13-19).
10. With respect to Claim 28, Palmer discloses a machine-readable medium wherein the monitoring of the program to detect the trigger further causes the processor to recognize the parameters of the signal (col. 8, lines 13-19).

11. With respect to Claim 30, Palmer discloses a machine-readable medium wherein the translating the trigger into a corresponding URL further causes the processor to translate the trigger into a code and translate the code into the corresponding URL (col. 8, lines 13-19).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-9, 12-17, 21, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu (US 2002/0010919) in view of Palmer (US 5,905,865). As regards Claim 1, Lu discloses a method comprising inserting a trigger into a program, wherein the trigger comprises a predetermined criteria (paragraph 17, lines 4-11); broadcasting the program comprising the trigger (paragraph 28, lines 1-5); transmitting the trigger based on the predetermined criteria; and detecting the trigger based on the predetermined criteria (paragraph 34, lines 4-7). Lu does not disclose displaying a website corresponding to the trigger. Palmer discloses displaying a website corresponding to a trigger (col. 5, lines 22-32). It is understood that predetermined criteria can mean any predetermined method, system, or code.

13. Lu and Palmer are analogous art because they both come from the same field of endeavor, namely the field of television.

14. At the time of invention it would have been obvious to a person of ordinary skill to use the audio signaling method disclosed in Lu to trigger the synchronized web-content in Palmer because embedding audio signaling inside the broadcast eliminates the need and cost of the extra equipment required in Palmer's design.

15. As regards Claim 2, Lu further discloses a method wherein inserting the trigger into a program comprises inserting the trigger into the content of the program (paragraph 17, lines 4-11).

16. As regards Claim 3, Lu further discloses a method wherein the trigger comprises an audio trigger that further comprises audio tone sequences (paragraph 34, lines 4-7).

17. As regards Claim 5, Lu discloses a method providing an audio tone sequence and causing the device, located sufficiently close to a receiving device to detect the audio tone sequence when emitted by the receiving device (paragraph 34, lines 4-7 and 12-14). Lu also discloses that the audio tone sequence is embedded in an audio feed of the broadcast program (paragraph 34, lines 4-7). Lu does not disclose a method for providing web content relating to the broadcast program, providing a trigger for the web device, and causing the web device to retrieve and present the web content concurrent with the broadcast program. Palmer discloses a method for providing web content relating to the broadcast program (col. 1, 61-64), providing a trigger for the web device (col. 4, 52-58), and causing the web device to retrieve and present the web content concurrent with the broadcast program (col. 5, lines 21-32).

18. As regards Claim 6, Palmer further discloses that the web device comprises a web tablet (col. 7, lines 62-67).

19. As regards Claim 7, Palmer further discloses that the web device comprises a computer system (col. 1, 61-64).

20. As regards Claim 8, Lu further discloses that the receiving device comprises a television (paragraph 31, lines 1-9).

21. As regards Claim 9, Lu discloses a method comprising monitoring audio output of a receiving device, that is receiving and presenting a broadcast program, for a trigger in the form of an audio tone sequence (paragraph 34, lines 4-7). Lu does not disclose that in response to detecting the trigger, determining a uniform resource locator (URL) of web content associated with the broadcast program and synchronizing the web content to the broadcast program without the need for user action by automatically retrieving and presenting the web content simultaneous with the presentation of the broadcast program. Palmer discloses that in response to detecting the trigger, determining a uniform resource locator (URL) of web content associated with the broadcast program and synchronizing the web content to the broadcast program without the need for user action by automatically retrieving and presenting the web content simultaneous with the presentation of the broadcast program (col. 5, lines 28-34).

22. As regards Claim 12, Lu further discloses a device interaction system comprising a broadcaster to embed a trigger into a program (paragraph 17, lines 7-13) and a multimedia device to transmit the trigger (paragraph 34, lines 4-7). Lu does not disclose a web device to display a website corresponding to the trigger. Palmer discloses a web device to display a website corresponding to the trigger (col. 4, lines 52-58 and col. 5, lines 9-11).

23. As regards Claim 13, Palmer further discloses that the broadcaster is further able to broadcast the program along with the embedded trigger to the multimedia device (col. 8, lines 5-16).

24. As regards Claim 14, Palmer discloses that the broadcaster comprises a television network, a radio network (col. 3, lines 53-55), a satellite system provider (col. 8, line 8), and a content recorder (col. 8, lines 8-13). Palmer does not disclose that a broadcaster comprises a local broadcaster or a cable provider/operator. Lu does disclose that a broadcaster comprises a local broadcaster or a cable provider/operator (paragraph 31, lines 1-4).

25. As Regards Claim 15, Lu further discloses that the multimedia device is further to receive to the program embedded with the trigger from the broadcaster (paragraph 31, lines 1-9). It is understood that a multimedia device can be a television.

26. As regards Claim 16, Palmer further discloses that the multimedia device comprises the following: a television, a radio (col. 3, lines 52-55), a CD player, a cassette player, and a DVD player (col. 2, lines 26-27). Palmer does not disclose that the multimedia device comprises a computer. Lu discloses that the multimedia device comprises a computer (paragraph 31, lines 9-14).

27. As regards Claim 17, Lu further discloses that the web device is further to detect the trigger transmitted by the multimedia device (paragraph 34, lines 4-7).

28. As regards Claim 21, Palmer discloses the method described in Claim 18, however, he does not describe the detecting of the trigger that comprises matching the recognized parameters of the trigger to predetermined parameters. Lu discloses the

detecting of the trigger that comprises matching the recognized parameters of the trigger to predetermined parameters (paragraph 17, lines 6-13).

29. As regards Claim 23, Lu discloses a machine-readable medium having stored thereon data representing sequences of instructions, the sequences of instructions which, when executed by a processor, cause the processor to insert a trigger into a program, wherein the trigger comprises a predetermined criteria, broadcasting the program comprising the trigger, transmitting the trigger based on the predetermined criteria, and detecting the trigger based on the predetermined criteria (paragraph 17, lines 6-13). Lu does not disclose displaying a website corresponding to the trigger.

Palmer discloses displaying a website corresponding to the trigger (col. 5, 22-32).

30. As regards Claim 24, Lu discloses that the trigger comprises an audio trigger, wherein the audio trigger comprises audio tone sequences (paragraph 34, lines 4-7).

31. As regards Claim 29, Palmer discloses the machine-readable medium described in Claim 26, however, he does not disclose the detecting of the trigger that further causes the processor to match the recognized parameters of the trigger to predetermined parameters. Lu discloses the detecting of the trigger that further causes the processor to match the recognized parameters of the trigger to predetermined parameters (paragraph 17, lines 6-13).

32. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lu (US 2002/0010919) in view of Palmer (US 5,905,865) and Dunki-Jacobs (US 6,112,053). Lu and Palmer jointly disclose the method of Claim 1, however, they do not disclose a video trigger wherein the video trigger comprises the audio tone sequences and video

motion sequences. Dunki-Jacobs discloses a video trigger wherein the video trigger comprises the audio tone sequences and video motion sequences (col. 1, lines 43-45).

33. Lu, Palmer, and Dunki-Jacobs are analogous art because they both come from the same field of endeavor, namely the field of television.

34. At the time of invention it would have been obvious to a person of ordinary skill to use the audio and video signaling method disclosed in Dunki-Jacobs to trigger the synchronized web-content device jointly disclosed in Lu and Palmer because using combined audio and video signaling inside the broadcast can provide for a more robust triggering mechanism than just audio alone.

35. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu (US 2002/0010919) in view of Palmer (US 5,905,865), Haitsuka (2005/0192867) and Augenbraun (2005/0149981). As regards Claim 10, Lu and Palmer jointly disclose method of Claim 9. Lu and Palmer, however, do not disclose presenting the web content comprises diversified presentation of the web content based on a predetermined criteria comprising time-based diversification and location based diversification. Haitsuka discloses presenting web content comprising diversified presentation of the web content based on a predetermined criteria comprising location-based diversification (paragraph 20, lines 1-6). Augenbraun discloses presenting web content comprising diversified presentation of the web content based on a predetermined criteria comprising time-based diversification (paragraph 6, lines 7-12).

36. Lu, Palmer, Haitsuka, and Augenbraun are analogous art because they both come from the same field of endeavor, namely the field of consumer communication devices.

37. At the time of invention it would have been obvious to a person of ordinary skill to use the time and location based targeting of data disclosed in Haitsuka and Augenbraun with web-content device jointly disclosed in Lu and Palmer because tailoring the content the user receives based on time and location criteria increases the relevance of that data to the user.

38. As regards Claim 11, Haitsuka further discloses terminating the presentation of the web content based on the predetermined criteria (paragraph 20, lines 4-6)

39. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lu (US 2002/0010919) in view of Palmer (US 5,905,865) and Dunki-Jacobs (US 6,112,053). Lu and Palmer jointly disclose the computer readable medium of Claim 25, however, they do not disclose a video trigger wherein the video trigger comprises the audio tone sequences and video motion sequences. Dunki-Jacobs discloses a video trigger wherein the video trigger comprises the audio tone sequences and video motion sequences (col. 1, lines 43-45).

40. Lu, Palmer, and Dunki-Jacobs are analogous art because they both come from the same field of endeavor, namely the field of television.

41. At the time of invention it would have been obvious to a person of ordinary skill to use the audio and video signaling method disclosed in Dunki-Jacobs to trigger the synchronized web-content device jointly disclosed in Lu and Palmer because using

combined audio and video signaling inside the broadcast can provide for a more robust triggering mechanism than just audio alone.

***Conclusion***

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alanara (US 2005/0197111) discloses a website that displays data based on the geographical location of the user. Janik (US 2003/0005433) discloses a method for automatically downloading information about a broadcast from a network. Kolessar (US 2003/0005430) discloses how audio data from a television broadcast can be used for purposes of identifying the program.

43. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.

44. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

45. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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